



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land

Planning Commission

MEETING DATE October 13, 2016	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Costa Family Trust	FILE NO. AGP2016-00002
SUBJECT Proposal by the Tony L. Costa Jr. Family Trust to establish an Agricultural Preserve and enter into a Land Conservation Contract. The property consists of approximately 216 acres located within the Agriculture land use category, at 1407 Toro Creek Road approximately 2.5 miles northeast of the City of Morro Bay. The site is in the Adelaida subarea of the North County planning area.			
RECOMMENDED ACTION Recommend approval of this request to establish an agricultural preserve to enable the landowner to enter into a land conservation contract to the Board of Supervisors as follows: Preserve Designation: Cayucos Agricultural Preserve No. 47 Minimum Parcel Size: 320 Acres Minimum Term of Contract: 20 years			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued for this project on August 23, 2016 (ED 2016-041).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologically Sensitive Area	ASSESSOR PARCEL NO: 073-092-055	SUPERVISOR DISTRICT(S): <div style="text-align: center;">2</div>
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Two residences, ag accessory structures, row crops, dry land farming and grazing			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Undeveloped rangeland <i>East:</i> Agriculture/Scattered residences, orchard <i>South:</i> Agriculture/Scattered residences, grazing <i>West:</i> Agriculture/Scattered residences, dry farming			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Grasses, shrubs, scattered oak trees, riparian	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: August 23, 2016	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

PROJECT REVIEW

Background

The property consists of one approximately 216 acre legal parcel. The property has historically been used for irrigated row crops, dry land farming and grazing land. The current agricultural operation includes approximately 15 acres of row crops with beans, sugar peas, squash, peppers and tomatoes; approximately 7 acres of forage mix hay; and, on average, 30 head of cattle. The ranch is managed by the owner and the row crop operation is managed by a lessee.

Site and Area Characteristics

The property is located approximately 2.5 miles northeast of the City of Morro Bay in the fertile Toro Creek valley where row crop farming in the valley and cattle grazing on the hillsides are the prevalent agricultural activities. The ranch has extensive open areas with grassland and some steep hillsides with areas of dense chaparral and oak trees. Toro Creek runs from east to west through property with riparian vegetation and oak woodland on both sides of the riparian corridor. The property has a 60 gallon per minute well drilled to a depth of approximately 60 feet. Exhibit A shows the location, topography, and land use designations of the site and adjacent properties. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Row Crop	Dry Farm	Riparian	Grazing	Acres
If Irrigated	Non-Irrigated					
2	3	15	3	9	5	32
3	3	0	4	0	24	28
NA	6	0	0	0	153	153
NA	7	0	0	0	3	3
TOTALS		15	7	9	185	216

Of the 185 acres listed as grazing land all of the Class 2/3, 3/3, and Class 6 soils are rated as “moderately to well-suited as rangeland”. The Class 7 soil is rated a “poorly-suited” as rangeland” due to steep slopes, thin soil and sparse grass cover. The property could qualify with 10 acres of irrigated prime land (there is currently 15 acres cultivated). However, the acreage in dry farming and grazing is too small to qualify independently.

Compliance with the Rules of Procedure for Agricultural Preserves and Contracts

Overall this property is best characterized as a “mixed use”, dry land grazing and irrigated row crop agricultural enterprise and will be evaluated as such. The property lacks the 320 acres needed to qualify as a dry land grazing preserve but exceeds the 160 acres required for a dry land “dry farm” agricultural preserve and the 40 acres gross needed for a prime land preserve. It should be noted that most of the acreage in this property is used for grazing, not dry farming or irrigated row crops.

Minimum Parcel Size for Eligibility

The Rules of Procedure provides criteria for individual contract eligibility when the property involves multiple agricultural uses. Appendix E of the Rules of Procedure establishes procedures for determining qualification of land with mixed agricultural potential or use. The mixed use calculation for this property is as follows:

Error! Objects cannot be created from editing field codes.

This property meets the qualification requirements for an individual ownership based on the mixed use test because the fractional portions of different land capabilities are more than one.

Appendix E of the Rules of Procedure also establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural potential or use.

Because only 15 acres of the total 216 acre site is actually cultivated in irrigated row crops and 7 acres in dry farm, it is appropriate to use the mixed use averaging formula to establish the appropriate minimum parcel size for conveyance. Appendix E of the Rules of Procedure establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural potential or use. As is customary, the property's riparian, oak woodland and other acreage not used for farming or grazing use has been grouped together with the grazing land for the purposes of calculating minimum parcel size. The mixed use calculation for this property is as follows:

Error! Objects cannot be created from editing field codes.

The property size of 216 acres divided by 1.03 (the total fractional proportions) is 210, which is rounded up to the nearest minimum parcel size of 320 acres in Table 1 of the Rules of Procedure.

The appropriate minimum parcel size is 320 acres and the appropriate minimum term of contract is 20 years because the site is located more than one mile from the Morro Bay urban reserve line, the closest urban reserve line in the vicinity.

Agricultural Preserve Review Committee (APRC)

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on September 12, 2016 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report and provides a Power Point presentation.

Committee Members: discuss the request and begin their deliberations.

Tony Costa, Junior and Tony Costa, Senior, landowners, present: did not speak

Bill Robeson, Chairman: opens Public Comment with no one coming forward.

Thereafter, on motion of Dick Nock, seconded by Paul Hoover and on the following roll call vote:

AYES: Don Warden, Dick Nock, Irv Mc Millan, Hugh Pitts, Kaila Dettman, Paul Hoover, Lynda Auchinachie, Ross Felthousen, and Bill Robeson

NOES: None

ABSENT: Farm Service Agency, Farm Advisor, Public at Large Member

The Review Committee moved to recommend the Board of Supervisors approval of this request to establish an Agricultural Preserve to enable the applicant to enter into a Land Conservation Contract. Preserve Designation: Cayucos Agricultural Preserve No. 47; Minimum Parcel Size: 320 acres; Minimum term of contract: 20 years.

RECOMMENDATIONS

Recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation:	Cayucos Agricultural Preserve No. 47
Minimum Parcel Size:	320 Acres
Minimum Term of Contract:	20 years

FINDINGS

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, the Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.

Report prepared by Stephanie Fuhs & Terry Wahler
Land Conservation Program